

**Meeting Minutes**  
**West County Board of Zoning Adjustments**  
**Wednesday, April 26, 2006**  
**(Approved May 24, 2006)**

**Regular Meeting:** 1:30 p.m.

**A. Call to Order/Roll Call**

The meeting was called to order by the Chair at 6:00 p.m.

**MEMBERS PRESENT:** Members Frank Peixoto, Chair, Dawn Clark, Jewell Spalding, Friedman and Ron Palmeri

**B. Neighborhood Preservation and Zoning Ordinance Abatement Hearings**

17032 Via PasaTiempo, San Lorenzo  
627 Paseo Grande, San Lorenzo  
985 Paradise Boulevard, Hayward  
16490 E 14<sup>th</sup> Street, San Leandro

**C. Open Forum**

**D. Consent Calendar**

1. **PHOI PHAN, VARIANCE, V-11951** – Application to allow construction of four dwelling units with: a) A five foot side yard; b) a two foot driveway set back, raised to four feet; c) 1,536 square feet of open space where 2,400 square feet of open space is required; d) no sidewalk; and e) A 13 foot wide driveway where 16 feet is required in an R-S-D-20 (Suburban Residence, 2,000 square feet Minimum Building Site Area per Dwelling Unit) District, located at 230 Laurel Avenue, north side, approximately 400 feet west of Princeton Street, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 429-0091-058-00. (To be continued without discussion to May 24, 2006).
2. **KIPTIATU ISCANDARI, VARIANCE, V-11983** – Application to allow construction of three single family dwellings with an addition to an existing single family dwelling, with: A) a 14 foot wide driveway where 20 feet is required; and B) a zero foot setback from the access driveway where 20 feet is required, in an R-S-D-3 (Suburban Residence, 3,000 square feet Minimum per Dwelling Unit) District, located at 19635 Meekland Avenue, southwest side, approximately 125 feet south of Cherry Way, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 429-0005-021-00. (Continued from March 22, 2006). **WITHDRAWN.**

Member Clark moved to approve the consent calendar. Member Palmeri seconded. Moved 5/0.

**E. Regular Calendar**

1. **CHARLES & DONNA KOOPMAN, CONDITIONAL USE PERMIT, C-8441** – Application to allow continued operation of a horse boarding facility, in an "A" (Agricultural) District, located at 10330 Crow Canyon Road, west side, approximately 1.8 miles north of Norris Canyon Road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 0085-1901-002-01.

Staff presented the staff report. Staff's recommendation is to continue this item to July 26, 2006 to allow the applicant to comply with requirements, at that time if he is not in compliance, staff will recommend denial of the application. Discussion ensued amongst board members and county staff on compliance with conditions of approval to previous permit. Member Friedman stated that it sounds like there is a history of 20 years of non-compliance.

Applicant stated that he did not know what the non-compliance issue staff mentioned. He stated that Fire Department has been to his location and everything is fine. The manure management is the same as last time. Member Spalding asked if the applicant has read the staff report. She also asked the applicant if he agrees with the continuance in order for him to comply with all the requirements.

Member Palmeri moved to continue the item for 90 days. Member Spalding seconded and asked that staff work with applicant to clarify some of the information in the staff report. Moved 5/0.

2. **DEPOT AUTO WRECKERS, CONDITIONAL USE PERMIT, C-8493 -**

Application to allow continued operation of an auto wrecking yard, in an M-2-B-E (Heavy Industrial, 5 acre Minimum Building Area) District, located at 3764 Depot Road, south side, approximately 20 feet east of Cabot Boulevard, unincorporated Eden area of Alameda County, designated Assessor's Parcel Number: 0439-0070-006-00.

Staff presented the staff report. Mr. Sawrey-Kubicek stated that the applicant would like to permit to be extended to 2011 because of the proposed annexation to the City of Hayward. He would like to get a long permit while still under the county's jurisdiction. Once the project is annexed to the City the permit will be good for one year after annexation. Board members questioned about water, sewer service and structures on this parcel.

Board members questioned the applicant in regards to Fire Department compliance. The applicant stated that they have had Fire Department yearly inspections but no permit. He said that there is an ownership change. Previously it was Ajax Auto Wreckers. County staff stated that they do need a fire permit.

Member Palmeri moved to approve the conditional use permit for expiration of 5 years or one year after it has been annexed to the City of Hayward. Member Spalding seconded. Moved 5/0

3. **WILLIAM & MILDRED NULL, VARIANCE, V-11986 –** Application to retain an existing attached carport providing a two foot side yard where five feet is the minimum, in an R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 3979 Westbury Road, south side, approximately, 150 feet west of Thornbury Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084D-1342-048-00.

Staff presented the staff report. The Castro Valley Municipal Advisory County considered the application and recommended approval. Staff's recommendation is denial of the application.

The applicant, Mildred Null, stated that the carport has been there for eleven years. Member Friedman asked why staff is recommending denial. Staff stated that they can't make the findings. The applicant says that they only have one car garage while most neighbors have two car garages. The applicant said she has been at this house for 50 years. There are only six houses on this street. Discussion ensued on how structure could be made legal without having to remove it.

Mr. Dan Briggs, a neighbor, spoke on concerns with water from the carport into his underground structure. The water goes into his patio and under his house. The neighbor needs to put on a gutter. He has no objections to the carport just the water that is coming into his property.

Mr. Bill Welte, friend of the applicant, gave his friend advice on building the carport. There is underground water all over Castro Valley. A gutter could be put on the carport to address the water issue. In the old days most people did not comply with setbacks or sideyards. The MAC board approved this application. This is not a big deal. All of their parking is contained in their property. He asked that the Board grant the variance for the carport. Member Spalding tried to explain how the board has to make the special findings in order to approve this application.

Member Spalding moved to approve the variance, because this was the initial house, built in this area, the placement of the house is depriving the property of having two covered parking spaces and the granting of this variance will not constitute special privileges because this house was placed here from another location and the approval will not be detrimental to neighborhood and also placement of gutter to address drainage problem. Alameda County Fire has to sign off on this project. Based on the testimony presented Member Friedman seconded adding on finding #2 surrounding homes have parking for two vehicles, this is inconsistent with this home. The Chair said he can't make the findings for this variance, the ordinance does not call for a covered parking. The Chair announced that the vote was three opposed, two in favor. Member Spalding and Friedman were in favor of the application. The Chair, Member Friedman and Member Palmeri were not in favor of the application. Motion for denial of the variance passed 3/2.

4. **JORGE VILLEGAS, VARIANCE, V-11988** – Application to allow construction of a single family residence with side yard setbacks of four foot, six inches where five feet is required, in an R-S-D-35 (Suburban Residence, 3,500 square feet Minimum per Dwelling Unit) District, located at 181 Grove Way, north side, approximately 540 feet east of Meekland Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 0429-0046-021-00. (Continued from April 12, 2006).

Staff presented the staff report. At the last meeting you required more information on the original variance in 2004. The application then said that the lot was 56 feet wide.

The applicant, Jorge Villegas, spoke. He said that the drawings were put down as 56 because County staff gave them this measurement. Member Friedman asked if they had explored the possibility of an easement on a neighboring lot. The applicant said no.

Member Spalding asked whether or not this is the appropriate forum to deal with the correction of the erroneous information. County Counsel stated that he did not find anything on this issue, but the Tapanga case talks about equitable considerations which do not conform with the government code. Based on this review this board has to comply with the special circumstances findings for variances. Member Palmeri stated that he does not believe that the county provided the wrong information to the applicant.

Member Palmeri moved to deny the variance application. Member Spalding seconded. Moved 5/0.

5. **AARON RUNOLFSON, VARIANCE, V-11994** – Application to allow construction of attached additions to an existing dwelling so as to provide a 10 foot front yard where 20 feet is required and maintain an existing two foot side yard where five feet is required, in an R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 1636 Crescent Avenue, north side, approximately 150 feet, west of North 5<sup>th</sup> Street, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 415-0220-030-00.

Staff presented the staff report. Staff's recommendation is denial of the addition to the front yard and approval of the back yard addition, side yard of two foot where five feet is required.

The applicant spoke in favor of his variance. He wanted to share with board members the proposed project he presented to the CVMAC. He said he has a list of neighbors that are in favor of his project. He

said he is surrounded by apartment buildings. He has changed his plans for a 17 foot front yard instead of a 20 foot variance.

Member Palmeri asked the applicant what makes his property any different or unique from the adjacent properties to have this board approve a variance. The applicant stated that his house is the smallest home on the block, approximately 800 square foot. The Chair stated that the board does not have a problem with the addition to the back of the property.

The Chair asked on special circumstances on property, is the existing building a special circumstance. County Counsel stated that special circumstance refers to property size, slope, topography, characteristic of the lot. It only relates to the real property but that is not to say that the structure does not play a role in this case. Member Spalding said that it looks like this house was built before zoning code. Discussion ensued on setbacks. The Chair asked if he would like to continue his application and have staff review his plans for modifications to satisfy the code.

Member Palmeri moved to adopt staff's findings, retention of the two foot sideyard where 5 foot is required, as long as the addition to the rear is constructed with a minimum 5' side yard and the addition to the front can be constructed with a 2' side yard. The applicant has withdrawn the ten foot front yard portion of this variance. Member Friedman seconded. Moved 5/0

6. **DONOVAN MC KEEVER, VARIANCE, V-11998** – Application to construct an attached addition and a secondary dwelling unit providing a three foot, two inch side yard where six feet is required; and two parking spaces where three parking spaces are required in an R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 19349 Santa Maria Avenue, west side, approximately 300 feet south of Lux Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084B-0570-125-03.

Staff presented the staff report.

The applicant, Mr. McKeever, stated that the variances are for parking and setback. The parking is for two spaces instead of three spaces. This proposal will be an addition to the neighborhood. There is also a petition signed by all my neighbors in favor of this project. The CVMAC approved the project. This secondary unit is for his mother. There are a lot of secondary units in my neighborhood without permits. Discussion ensued amongst board members and applicant on parking requirements.

Mary Martin, applicant's mother, who will be leaving in the secondary unit stated that she is elderly and would like to live in her own unit without having to worry about disturbing anyone else. Discussion ensued amongst board members in regards to the reasonable accommodation for the elderly person. Approval of secondary units are done at the counter as long as they meet all of the zoning requirements.

Member Palmeri move to continue the item to May 10, 2006. Member Spalding seconded.

7. **UBALDO CASTRO, VARIANCE, V-11999** – Application to construct an attached room addition providing a 16 foot front yard where 20 feet is required as measured from a Future Width Line, in an R-1-SU (Single Family Residence, Secondary Unit) District, located at 476 Blossom Way, north side corner of Haviland Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 0429-0019-053-00.

Staff presented the staff report.

Daniel Del Rio, representing the applicant,

Member Palmeri the existing one story residence is ten feet from future width line on Haviland. The County requires future width line for future projects. The Chair stated that the sideways is Blossom Way. The front yard setback is not taking any further action for widening, if they did that every house on the street would lose their front yard.

Member Spalding moved to adopt staff's recommendation and deleting item #4c. Member Palmeri seconded. Moved 5/0.

- F. Approval of Minutes – March 22 and April 12, 2006  
Approval of minutes were moved to next meeting.
- G. Staff Comments & Correspondence  
Staff asked if board members want their phone number and e mail addresses on their business cards. Board members said no and that the general number for the Planning Department is sufficient.
- H. Board Announcements, Comments & Reports
- I. Adjournment – 5:00 p.m.

**NEXT WEST COUNTY BOARD OF ZONING ADJUSTMENT HEARING  
WEDNESDAY, MAY 10, 2006**